944-001.035-1

PATENT



Preliminary Classification:

Practitioner's Docket No.

Proposed Class:

Subclass:

NOTE: "All applicants are requested to include a preliminary classification on newly filed patent applications. The preliminary classification, preferably class and subclass designations, should be identified in the upper right-hand comer of the letter of transmittal accompanying the application papers, for example 'Proposed Class 2, subclass 129' " M.P E.P. § 601, 7th ed.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Box Patent Application** Assistant Commissioner for Patents Washington, D.C. 20231

### NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s):

Jose COSTA REQUENA

WARNING: 37 C.F.R. § 1.41(a)(1) points out:

"(a) A patent is applied for in the name or names of the actual inventor or inventors.

"(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name or names of the inventor or inventors."

For (title):

Mobile System, Terminal and Interface, as well as Methods for Providing Backward Compatibility to First and Second Generation Mobile Systems

#### CERTIFICATION UNDER 37 C.F.R. § 1.10\*

(Express Mail label number is mandatory.) (Express Mail certification is optional.)

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being as "Express Mail Post Office to Addressee," mailing Label Number  $\underline{EL}$ 628640861 dressed to the. Assistant Commissioner for Patents, Washington, D.C. 20231

<u>Judith Schick</u>

(type or print name of person mailing paper)

Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

\*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

> "Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

> > (New Application Transmittal [4-1]—page 1 of 11)

## 1. Type of Application

This	new	application	is	for	a(n)
		application	13	101	aut

(check one applicable item below)

<b>X</b>	Original (nonprovisional)
	Design
	☐ Plant
WARNING	Do not use this transmittal for a completion in the U.S. of an International Application under 35 U.S.C. § 371(c)(4), unless the International Application is being filed as a divisional, continuation or continuation-in-part application
WARNING	Do not use this transmittal for the filing of a provisional application.
11	one of the following 3 items apply, then complete and attach ADDED PAGES FOR NEW APPLICATION RANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED and a NOTIFICATION I PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION
	Divisional.
	Continuation.
	Continuation-in-part (C-I-P).
-	

# 2. Benefit of Prior U.S. Application(s) (35 U.S.C. §§ 119(e), 120, or 121)

NOTE: A nonprovisional application may claim an invention disclosed in one or more prior filed copending nonprovisional applications or copending international applications designating the United States of America. In order for a nonprovisional application to claim the benefit of a prior filed copending nonprovisional application or copending international application designating the United States of America, each prior application must name as an inventor at least one inventor named in the later filed nonprovisional application and disclose the named inventor's invention claimed in at least one claim of the later filed nonprovisional application in the manner provided by the first paragraph of 35 U.S.C. § 112. Each prior application must also be:

- (i) An international application entitled to a filing date in accordance with PCT Article 11 and designating the United States of America; or
  - (ii) Complete as set forth in § 1.51(b); or
- (iii) Entitled to a filing date as set forth in § 1.53(b) or § 1.53(d) and include the basic filing fee set forth in § 1.16; or
- (iv) Entitled to a filing date as set forth in § 1.53(b) and have paid therein the processing and retention fee set forth in § 1.21(l) within the time period set forth in § 1.53(f).

37 C.F.R. § 1.78(a)(1).

NOTE: If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., or benefit of a prior provisional application is claimed, then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

WARNING: If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. §§ 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. §§ 120, 121 or 365(c). (35 U.S.C. § 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. §§ 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.

(New Application Transmittal [4-1]—page 2 of 11)

WAF	RNING	ho pre	hen the last day of pendency of a provisional application falls on a Saturday, Sunday, or Federal bilday within the District of Columbia, any nonprovisional application claiming benefit of the ovisional application must be filed prior to the Saturday, Sunday, or Federal holiday within the strict of Columbia See 37 C.F.R. § 1.78(a)(3).
		tion	e new application being transmitted claims the benefit of prior U.S. applications. Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL BERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.
3. P	aper	s Er	nclosed
A.			d for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 Application
	3	L Pa	ages of specification
		$\frac{f}{2}$ Pa	ages of claims
		<b>7</b> st	neets of drawing
WAF	RNING	filii sm dra the Fo	O NOT submit original drawings. A high quality copy of the drawings should be supplied when ing a patent application. The drawings that are submitted to the Office must be on strong, white, mooth, and non-shiny paper and meet the standards according to § 1.84. If corrections to the awings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. For comments on proposed then-new 37 C.F.R. § 1.84, see Notice of March 9, 1988 (1990 O.G. 1962).
NOT	in: th or	vento e Offi i the	iying indicia, if provided, should include the application number or the title of the invention, it's name, docket number (if any), and the name and telephone number of a person to call if ce is unable to match the drawings to the proper application. This information should be placed back of each sheet of drawing a minimum distance of 1.5 cm. ( $f_{\theta}$ inch) down from the top of the" 37 C.F.R. § 1.84(c)).
			(complete the following, if applicable)
		a "F	enclosed drawing(s) are photograph(s). Three (3) sets of photographs and PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)" are attached. 37 .R. § 1.84(b).
		"PE	enclosed drawing(s) are in color. Three (3) sets of color drawings and a TITION TO ACCEPT COLOR DRAWING(S)" are attached. 37 C.F.R. 1.84(a)(2) and 1.84(b).
	X	forn	nal
		info	rmal
B.	Oth	er Pa	apers Enclosed
		_ Pa	ages of declaration and power of attorney
	$\bot$	_ Pa	ages of abstract
		_ Ot	her ·
4. A	dditi	onal	papers enclosed
		Ame	endment to claims
			Cancel in this applications claims before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
			Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)

(New Application Transmittal [4-1]—page 3 of 11)

[	□ P	reliminary Amendment
[	🗌 ir	formation Disclosure Statement (37 C.F.R. § 1.98)
[	□ F	orm PTO-1449 (PTO/SB/08A and 08B)
[	□ C	itations
[	□ D	eclaration of Biological Deposit
[	þ	ubmission of "Sequence Listing," computer readable copy and/or amendment ertaining thereto for biotechnology invention containing nucleotide and/or mino acid sequence.
[		uthorization of Attorney(s) to Accept and Follow Instructions from Representa- ve
[	∃ S	pecial Comments
	_ o	ther
5. De	clarat	ion or oath (including power of attorney)
NOTE:	the p by al applie the si by a being decla perso	why executed declaration is not required in a continuation or divisional application provided that infor nonprovisional application contained a declaration as required, the application being filed is if or fewer than all the inventors named in the prior application, there is no new matter in the cation being filed, and a copy of the executed declaration filed in the prior application (showing ignature or an indication thereon that it was signed) is submitted. The copy must be accompanied statement requesting deletion of the names of person(s) who are not inventors of the application in filed. If the declaration in the prior application was filed under § 1.47, then a copy of that ration must be filed accompanied by a copy of the decision granting § 1.47 status or, if a nonsigning on under § 1.47 has subsequently joined in a prior application, then a copy of the subsequently inted declaration must be filed. See 37 C.F.R. §§ 1.63(d)(1)–(3)
NOTE:	is dire abbre count	claration filed to complete an application must be executed, identify the specification to which it exted, identify each inventor by full name including family name and at least one given name, without eviation together with any other given name or initial, and the residence, post office address and try or citizenship of each inventor, and state whether the inventor is a sole or joint inventor. 37 (1. § 1.63(a)(1)–(4).
NOTE:	as pre as pre is that this p	inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration ascribed by § 1.62, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration ascribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship triventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under aragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name mes of the inventor or inventors." 37 C.F.R. § 1.41(a)(1).
		oclosed
	Ex	recuted by
		(check all applicable boxes)
		inventor(s).
		legal representative of inventor(s).  37 C.F.R. §§ 1.42 or 1.43.
	L	joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
		☐ This is the petition required by 37 C.F.R. § 1.47 and the statement required by 37 C.F.R. § 1.47 is also attached. See item 13 below for fee.
	] No	t Enclosed.
NOTE:	the U. may b	the filing is a completion in the U.S. of an International Application or where the completion of S. application contains subject matter in addition to the International Application, the application e treated as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE IEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.
		Application is made by a person authorized under 37 C.F.R. § 1.41(c) on behalf of all the above named inventor(s).

(The de	eclaration or oath, along with the surcharge required by 37 C.F.R. § 1.16(e) can be filed subsequently).
	☐ Showing that the filing is authorized.  (not required unless called into question, 37 C.F.R. § 1.41(d))
6. Invent	orship Statement
WARNING:	: If the named inventors are each not the inventors of all the claims an explanation, including ownership of the various claims at the time the last claimed invention was made, should submitted
The inve	ntorship for all the claims in this application are:
	The same.
	or
	Not the same. An explanation, including the ownership of the various claims the time the last claimed invention was made,
	is submitted.
	☐ will be submitted.
7. Langua	age
An req	application including a signed oath or declaration may be filed in a language other than English translation of the non-English language application and the processing fee of \$130. pured by 37 C.F.R. § 1 17(k) is required to be filed with the application, or within such time as moset by the Office. 37 C.F.R. § 1.52(d).
$\square$	English
	Non-English
I	□ The attached translation includes a statement that the translation is acc rate. 37 C.F.R. § 1.52(d).
8. Assign	ment
	An assignment of the invention to
- [	is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PT 1595 is also attached.
[	will follow.
NOTE <sup>.</sup> "If a and	an assignment is submitted with a new application, send two separate letters-one for the application of the application of May 4, 1990 (1114 O.G. 77-78).
WARNING:	A newly executed "CERTIFICATE UNDER 37 C F.R. § 3.73(b)" must be filed when a continuation in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.
	This is a   continuation divisional application and the assignment
. (	document for the parent application 0 / was filed
C	on
	Reel
	Frame
	(New Application Transmittal [4-1]—page 5 of 1

9. Certified Copy

Certified copy(ies) of app	olication(s)		
Country	Appin. No.	· · · · · · · · · · · · · · · · · · ·	Filed
Country	Appin. No.		Filed
Country	Appln. No		Filed
from which priority is claim	ned		
is (are) attached	l.		
☐ will follow.			
NOTE: The foreign application declaration. 37 C.F.R.	forming the basis for the claim f § 1 55(a) and 1 63	or priority must	be referred to in the oath o
U.S. application or Inte § 120 is itself entitled t	eign pnonty for which the applica rnational Application from which the opnonty from a prior foreign appli PLICATION TRANSMITTAL WHER	his application concation, then con	laims benefit under 35 U.S.C oplete item 18 on the ADDEI
<ul><li>10. Fee Calculation (37</li><li>A.  A. Regular application</li></ul>			
riogulai applicat	IOH		
	CLAIMS AS FILED	)	
Number filed	Number Extra	Rate	Basic Fee 37 C.F.R. § 1.16(a) \$7#0.00
Total Claims (37 C.F.R. § 1.16(c))	-20 = -0 - x	\$ 18.00	71,70100
Independent Claims (37 C.F.R. § 1.16(b))	- 3 = / ×	\$ 8 <b>¥</b> .00	84.00
Multiple dependent claim(s) if any (37 C.F.R. § 1.16(d)		\$270.00	
	celling extra claims is encl		
	eting multiple-dependencies		-
	ims is not being paid at th		
NOTE: If the fees for extra claim prior to the expiration of notice of fee deficiency	s are not paid on filing they must be if the time period set for response . 37 C.F.R. § 1.16(d).	e paid or the clau e by the Patent .	ns cancelled by amendment and Trademark Office in any
	Filing Fee Calculation		\$ 824.00
B. Design application (\$310.00—37 C.i	on		
	Filing Fee Calculation		\$

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C.		Plant application (\$480.00—37 C.F	D & 1 16(a))	
		(Φ400.00 *37 Ο.1		Φ.
11.	Smai	I Entity Stateme	Filing fee calculation	\$
11.	_		- ,	
		is (are) attached.	this is a filing by a small of	entity under 37 C.F.R. § 1.9 and 1.27
WA	RNING	the status is available affect any other application A nonp 365(c) of a prior application or in the reference to the statement in the payment.	le and desired Status as a small plication or patent, including at upon the application or patent atton under § 1.53 as a continual atton application under § 1.53(d) as to continued entitlement to rovisional application claiming be plication, or a reissue application attement in the prior application or application or application or application or in the patent at	blished in each application or patent in which all entity in one application or patent does not applications or patents which are directly of applications or patents which are directly of in which the status has been established. The tion, division, or continuation-in-part (including)), or the filing of a reissue application requires small entity status for the continuing or reissue penefit under 35 U.S.C. § 119(e), 120, 121, of ion may rely on a statement filed in the prior oplication or the reissue application includes a on or in the patent or includes a copy of the and status as a small entity is still proper and ory filing fee will be treated as such a reference of the status and the status as a small entity is still proper and ory filing fee will be treated as such a reference of the status as a small entity is still proper and ory filing fee will be treated as such a reference of the status as a small entity is still proper and ory filing fee will be treated as such a reference of the status and the status as a small entity is still proper and ory filing fee will be treated as such a reference of the status as a small entity is still proper and ory filing fee.
WAI	RNING.	"Small entity status	must not be established when the make the required self-certificat	e person or persons signing the : statement tion." M.P.E.P., § 509.03, 6th ed., rev. 2, July
		(co	omplete the following, if a	applicable)
			entity was claimed in pr	- ·
		is being eleimed	for this application	, from which benefit
			for this application under	
		35 U.S.C. § □	119(e), 120,	
			121,	
			365(c),	
		and which statu	s as a small entity is still	proper and desired.
		☐ A copy of the	ne statement in the prior	application is included.
		Filing Fee Ca	culation (50% of A, B or	C above)
			\$	
NOT	are	vexcess of the full fee filed within 2 months endable under § 1.13	paid will be refunded if small en of the date of timely paymen	titry status is established and a refund request t of a full fee The two-month period is not
2.	Requ	est for Internatio	nal-Type Search (37 C.F	F.R. § 1.104(d))
			(complete, if applicat	ole)
		Please prepare an when national exa	international-type search mination on the merits to	report for this application at the time akes place.

10.			Tient being made at This Time	
	X		Enclosed	
		<b>₩</b>	No filing fee is to be paid at this time. (This and the surcharge required by 37 C.F.R. subsequently.)	§ 1.16(e) can be paic
		End	losed	
			Filing fee	\$
			Recording assignment (\$40.00; 37 C.F.R. § 1.21(h)) (See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW APPLICATION".)	\$
			Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached (\$130.00; 37 C.F.R. §§ 1.47 and 1.17(i))	\$
			For processing an application with a specification in a non-English language (\$130.00; 37 C.F.R. §§ 1.52(d) and 1.17(k))	\$
			Processing and retention fee (\$130.00; 37 C.F.R. §§ 1.53(d) and 1.21(l))	\$
			Fee for international-type search report (\$40.00; 37 C.F.R. § 1.21(e))	\$
NOTE	3 ei	illing to 7 C.F.F ither th	3. § 1.21(I) establishes a fee for processing and retaining any application pursuant to 37 C.F.R. § 1.53(f) and this complete the application pursuant to 37 C.F.R. § 1.53(f) and this 3. §§ 1.53 and 1.78(a)(1), indicate that in order to obtain the benefic basic filing fee must be paid, or the processing and retention for year from notification under § 53(f).	is, as well as the changes to fit of a pnor U.S. application.
			Total fees enclosed	\$
14. N	Meth	nod o	f Payment of Fees	
		Atta	ched is a $\ \square$ check $\ \square$ money order in the amount o	f \$
		Auth	orization is hereby made to charge the amount of	\$
			to Deposit Account No.	
			to Credit card as shown on the attached credit card tion form PTO-2038.	information authoriza-
WARI	VING	: Cre	dit card information should <b>not</b> be included on this form as it m	ay become public.
		Char in th	ge any additional fees required by this paper or cr e manner authorized above.	edit any overpayment
			A duplicate of this paper is attached.	

15. A	utho	rization to Charge Additional Fees
WARN	IING:	If no fees are to be paid on filing, the following items should not be completed.
		Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.
		The Office is hereby authorized to charge, in the manner shown above, the following additional fees that may be required by this paper and during the entire pendency of this application.
	İ	☐ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)
	Į	37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)
NOTE	mu: set to a	sause additional fees for excess or multiple dependent claims not paid on filing or on later presentation is to only be paid or these claims cancelled by amendment prior to the expiration of the time period for response by the PTO in any notice of fee deficiency (37 C F R § 1.16(d)), it might be best not authorize the PTO to charge additional claim fees, except possibly when dealing with amendments or final action.
	(	37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
	[	37 C.F.R. § 1.17(a)(1)–(5) (extension fees pursuant to § 1.136(a)).
	[	37 C.F.R. § 1.17 (application processing fees)
NOTE.	cha. con an e § 1. requ	A written request may be submitted in an application that is an authorization to treat any concurrent ature reply, requiring a petition for an extension of time under this paragraph for its timely submission, accorporating a petition for extension of time for the appropriate length of time. An authorization to rige all required fees, fees under § 1.17, or all required extension of time fees will be treated as a structive petition for an extension of time in any concurrent or future reply requiring a petition for extension of time under this paragraph for its timely submission. Submission of the fee set forth in 17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply iring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. 136(a)(3).
		37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))
NOTE:	or a	re an authorization to charge the issue fee to a deposit account has been filed before the mailing. Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time realing the notice of allowance. 37 C.F.R. § 1.311(b)
NOTE:	entit	F.R. § 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small y status must be filed in the application prior to paying, or at the time of paying, the issue "From the wording of 37 C.F.R. § 1.28(b), (a) notification of change of status must be made

even if the fee is paid as "other than a small entity" and (b) no notification is required if the change

is to another small entity.

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16. Instructions as to Overpayme
----------------------------------

NOTE:	a	Amounts of twenty-five dollars or less will not be returned unless specifically requested within reasonable time, nor will the payer be notified of such amounts, amounts over twenty-five dollars make returned by check or, if requested, by credit to a deposit account " 37 C.F.R. § 1.26(a)
		Credit Account No.
	]	Refund

Reg. No.

31,391

Tel. No. (203 261-1234

Customer No.

004955

SIGNATURE OF PRACTITIONER

Francis J. Maguire

(type or print name of attorney)

WARE, FRESSOLA, VAN DER SLUYS & ADOLPHSON LLP

PO. Address

755 Main Street, PO Box 224

Monroe CT 06468
(New Application Transmittal [4-1]—page 10 of 11)

	Incor	poration by reference of added pages
	pi st th	check the following item if the application in this transmittal claims the benefit of for U.S. application(s) (including an international application entering the U.S. lage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF RIOR U.S. APPLICATION(S) CLAIMED)
		Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed
		Number of pages added
		Plus Added Pages for Papers Referred to in Item 4 Above
		Number of pages added
		Plus added pages deleting names of inventor(s) named in prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.
		Number of pages added
		Plus "Assignment Cover Letter Accompanying New Application"
		Number of pages added
X	State	ment Where No Further Pages Added
	(if th. <b>≱</b>	no further pages form a part of this Transmittal, then end this Transmittal with is page and check the following item)  This transmittal ends with this page.
		. 5

WARE, FRESSOLA, VAN DER SLUYS & ADOLPHSON

The date stamp of the U.S. Patent and Trademark Office on this card acknowledges receipt of:

New Application Transmittal Appl w 21 pg spec, 4 pg claims, 1 pg abstr, 7 drw IDS w PTO 1449 and 5 refs

in the matter of J. COSTA REQUENA, new application for MOBILE SYSTEM, TERMINAL AND INTERFACE, AS WELL AS METHODS FOR PROVIDING BACKWARD COMPATIBLEITY TO FIRST AND SECOND GENERATION MOBILE SYSTEMS Exp. Mail No. EL 628640861 US

fjm

944-001.035-1

11/14/01